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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DARREN MICHAEL BRIN,

CASE NO. C24-1019JLR

11 Plaintiff,

ORDER

12 v.

13 JOSHUA HARTWICK, et al.,

14 Defendants.

15 **I. INTRODUCTION**

16 Before the court are *pro se* Plaintiff Darren Michael Brin and Defendants Sergeant
17 Joshua Hartwick, Officer Felicia Espana, Officer James Jordal, and Officer Keith
18 Polzin's (collectively, "Defendants") cross motions for summary judgment. (Brin MSJ
19 (Dkt. # 29); Brin Reply (Dkt. # 50); Defs. MSJ (Dkt. # 48); Defs. Reply (Dkt. # 54).)
20 Both motions are opposed. (*See* Defs. Resp. (Dkt. # 49); Brin Resp. (Dkt. # 51).) The
21 court has considered the parties' motions, the relevant portions of the record, and the

1 applicable law. Being fully advised,¹ the court DENIES Mr. Brin's motion for summary
 2 judgment and GRANTS in part and DENIES in part Defendants' motion for summary
 3 judgment.

4 II. BACKGROUND

5 Before considering the merits of the parties' motions, the court first provides the
 6 relevant factual and procedural background.

7 A. Factual Background

8 This case arises out Defendants' alleged unlawful detention and search of Mr.
 9 Brin. (Am. Compl. (Dkt. # 26).) On February 23, 2023, Mr. Brin was staying at Lisa
 10 Ogier's² apartment while she was away. (7/7/25 Brin Decl. (Dkt. # 50-1) ¶ 7.)
 11 In the late evening of February 23, 2023, James Dykstra³ called 911 to report an alleged
 12 hit-and-run collision by the driver of a white Nissan. (Nedderman Decl. (Dkt. # 46) ¶ 4,
 13 Ex. (Dkt. # 46-1) at 4⁴ ("Police Records").)⁵ Mr. Dykstra told the dispatcher that the
 14

15 ¹ The parties did not request oral argument (*see* Brin MSJ at 1; Defs. MSJ at 1), and the
 16 court concludes that oral argument is not necessary to its disposition of the parties' arguments.
See Local Rules W.D. Wash. LCR 7(b)(4).

17 ² Ms. Ogier is not a party in this action.

18 ³ Mr. Dykstra is not a party in this action.

19 ⁴ When citing to exhibits, the court refers to the CM/ECF page numbers at the top of the
 20 page.

21 ⁵ Both Mr. Brin and Defendants rely on the Police Records and the police narratives
 22 therein to support their respective motions, and neither party disputes the authenticity of these
 records. (*See* Nedderman Decl. Ex.; 6/10/25 Brin Decl. (Dkt. # 42) ¶ 4, Ex. E (Dkt. # 35) at
 1-22; Brin Exhibit List (Dkt. # 30) at 4.) The court cites the Police Records submitted by
 Defendants in the background section of this order because Mr. Brin has heavily marked on the
 records he filed. (*See* 6/10/25 Brin Decl., Ex. E (Dkt. # 35).) Because the hearsay statements in
 the police narratives could be presented in an admissible form at trial—live testimony by

1 driver was a white male in his 40s, approximately 5'8" tall, and wearing a beanie hat, and
 2 that the driver was walking away from the Nissan. (Police Records at 4; Polzin Decl.
 3 (Dkt. # 47) ¶ 1, Ex. 1 ("Polzin Report") at 1.)

4 At approximately 11:35 p.m., Defendants were dispatched to an apartment
 5 complex where Mr. Dykstra and the Nissan were located.⁶ (*See id.* at 4; *see* Polzin Report
 6 at 2.) This also happened to be the apartment complex where Mr. Brin was staying.
 7 Officer Espana provided Mr. Dykstra's description of the driver of the Nissan to Officer
 8 Polzin. (Polzin Report at 1.) After Officer Espana arrived at the scene, she located Mr.
 9 Dykstra near the entrance of the apartment complex. (Police Records at 4.) Mr. Dykstra
 10 told Officer Espana that the driver attempted to turn the wrong way on a ramp and nearly
 11 hit Mr. Dykstra's vehicle. (*Id.*) Mr. Dykstra was concerned the driver was impaired, so
 12 he followed the driver to the apartment complex to try to get the Nissan's license plate
 13 number. (*Id.*)

14 After Mr. Dykstra and the Nissan driver arrived at the apartment complex, they
 15 got out of their vehicles. (*Id.*) However, Mr. Dykstra returned to his car and called 911
 16 because the Nissan driver started yelling. (*Id.*) Mr. Dykstra told Officer Espana that,
 17 while he was on the phone with the 911 dispatcher, the Nissan driver reversed his vehicle
 18 and hit the front end of Mr. Dykstra's vehicle, then pulled forward in a possible attempt

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 20 Defendants—the court may properly consider these narratives at the summary judgment stage.
 21 *See JL Beverage Co., LLC v. Jim Beam Brands Co.*, 828 F.3d 1098, 1110 (9th Cir. 2016).

22 ⁶ While it is undisputed that all Defendants were dispatched to and present at the scene by
 11:35 p.m., the Court acknowledges that the timing of each Defendants arrival cannot be
 established by the current record and is not relevant to resolving the issues presented by this
 matter. *See* Police Records at 4.

1 to drive away. (*Id.* at 5.) Mr. Dykstra also said that the collision caused damage to the
 2 driver's side of the Nissan. (*Id.*)

3 Sergeant Hartwick located the Nissan in a parking stall and observed an individual
 4 walking away from the vehicle. (Polzin Report at 1; *see* Police Records at 28 (Sergeant
 5 Hartwick's call narrative); *see* 6/10/25 Brin Decl. ¶ 4.) Sergeant Hartwick communicated
 6 this information to Officer Polzin. (Polzin Report at 1.) Officer Polzin ran to Sergeant
 7 Hartwick's location and noticed a male—who was later identified as Mr. Brin—walking
 8 approximately 25 feet away from the Nissan. (*Id.* at 2-3; Polzin Decl. ¶¶ 7-8.) No one
 9 else was around. (Polzin Report at 2.) Officer Polzin observed that Mr. Brin matched the
 10 description Officer Espana provided to him—a white male in his 40s, approximately 5'8"
 11 tall, and wearing a beanie hat. (Polzin Report at 2; Polzin Decl. ¶ 6.) Mr. Brin was
 12 ordered to stop, and he complied with that order. (6/10/25 Brin Decl. Ex. E (Dkt. # 37-2)
 13 at 1-2 ("Defs. RFA Resp.").) Officer Polzin told Mr. Brin that he was being detained.
 14 (Polzin Decl. ¶ 5.) At some point after Defendants stopped Mr. Brin, Officer Polzin
 15 handcuffed him because Mr. Brin "refused to identify himself[,]" was "argumentative"
 16 and "yelling[,]" and Officer Polzin did not know if he was armed. (Polzin Decl. ¶ 9.)
 17 Mr. Brin does not dispute he was argumentative; however, the parties disagree about the
 18 extent to which Mr. Brin was argumentative and whether he refused to obey commands.
 19 (*See id.*; Polzin Report at 1-2; 7/7/25 Brin Decl. (Dkt. # 50-1) ¶ 5 (stating that he
 20 "initially declined to provide ID"); 6/10/25 Brin Decl., Ex. E (Dkt. # 35) at 12 (stating
 21 that he was "argumentative" but that he answered Defendants' questions).)

22

1 At some point after Mr. Brin was detained, although it is not clear when, Mr.
 2 Dykstra told Officer Espana that the Nissan driver had a “slender build” and was wearing
 3 a “captain’s hat” rather than a beanie. (Police Records at 5.) And after Mr. Brin was
 4 detained, Officer Espana—via radio communication—requested a photo of Mr. Brin.
 5 (Audio File (Dkt. # 34) at 7:00-7:06 (File “# 7” containing Defendants’ audio
 6 communications));⁷ 6/10/25 Brin Decl. ¶ 4.) After receiving the photo of Mr. Brin on her
 7 phone, Officer Espana said over the radio: “[reporting party] said that’s not going to be
 8 the guy, but I’m going to actually drive him there to do a field show up[.]” (Audio File at
 9 7:19-7:25.) Officer Espana transported Mr. Dykstra to the area where Mr. Brin was
 10 being detained for an in-person field show up. (Police Records at 5; Polzin Report at 1
 11 (“Officer Espana brought [Mr. Dykstra] to our location for a field show up”); Polzin
 12 Decl. ¶ 10.) At the in-person field show up, Mr. Dykstra stated that Mr. Brin was not the
 13 Nissan driver. (Polzin Decl. ¶ 10; Polzin Report at 2.) According to Officer Polzin, he
 14 released Mr. Brin at that time and told him he was free to go, although the parties
 15 disagree about the length of his detention. (Polzin Decl. ¶ 11; *see* Brin MSJ at 3; Defs.
 16 Resp. at 2.) After his release, Mr. Brin was observed walking into unit K203 of the
 17 apartment complex. (Police Records at 5.)

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19 ⁷ Because Mr. Brin represents that he obtained the Audio File labeled “# 7” via a public
 20 records request (*see* 6/10/25 Brin Decl. ¶¶ 4-6), and because Defendants do not dispute the
 21 authenticity of the Audio File (*see generally* Defs. Resp.), the court will consider the Audio File
 22 containing Defendants’ communications in evaluating the parties’ motions. *See Amanuel v.*
Soares, No. 13-cv-05258 NC, 2015 WL 3523173, at *1 (N.D. Cal. June 3, 2015) (considering
 police audio recording at summary judgment stage). The court will *not* consider the transcript of
 the Audio File that Mr. Brin prepared (*see* Dkt. # 34), as that transcript has not been properly
 authenticated.

After Mr. Brin was detained and released, Officer Espana accessed the Department of Licensing (“DOL”) records for the Nissan, which showed that the Nissan was recently sold to an individual named Jason Kempton.⁸ (Police Records at 4.) Officer Espana found information in a police database showing that Mr. Kempton was associated with Mr. Brin. (*Id.*; see Polzin Decl. ¶ 12.) Officer Espana obtained Mr. Kempton’s DOL photo and showed it to Mr. Dykstra, who confirmed Mr. Kempton was the driver he saw getting out of the Nissan and arguing with him. (Police Records at 4.) Because Mr. Kempton was associated with Mr. Brin, officers knocked on the door of unit K203, but no one answered the door. (*Id.* at 4.)

Officer Espana completed a misdemeanor criminal citation for Mr. Kempton for the alleged hit-and-run collision. (*Id.* at 6; *see id.* at 16-17 (citation issued to Mr. Kempton).) The Nissan was impounded pending the application of a search warrant, which was later authorized by Bothell Municipal Court Judge Mara J. Rozzano on February 28, 2023, and executed by Officer Espana on March 3, 2023. (*Id.* at 6.)⁹ Prosecutors initiated criminal proceedings against Mr. Kempton following the search of the Nissan (*see* 6/10/25 Brin Decl., Ex. E (Dkt. # 35-5) at 12), but the case was ultimately

⁸ Mr. Kempton is not a party in this action.

⁹ The instant action concerns only Mr. Brin’s alleged unlawful detainment on February 23, 2023; accordingly, the court does not consider Mr. Brin’s allegations regarding events that occurred *after* Mr. Brin was released—including Mr. Brin’s claims regarding Defendants’ search of Mr. Kempton’s Nissan, their investigation of Mr. Kempton and/or Ms. Ogier, or Mr. Brin’s post-February 2023 communications with the Washington Cities Insurance Authority claims adjuster. (See Brin MSJ at 2-5.)

1 dismissed “due to witness unavailability[,]” (*id.* at 13). Mr. Brin was not involved in
 2 these proceedings.

3 **B. Procedural Background**

4 Mr. Brin commenced the instant action in King County Superior Court in April
 5 2024 under 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights
 6 by subjecting him to a false arrest. (Compl. (Dkt. # 1-1) at 1-5.) Defendants removed the
 7 action to this court in July 2024. (Removal Not. (Dkt. # 1) ¶¶ 5-9.) Mr. Brin filed an
 8 amended complaint on May 12, 2025. (Am. Compl. (Dkt. # 26).) The only claims
 9 remaining before the court are Mr. Brin’s Fourth Amendment unlawful detention claim,
 10 his Fourth Amendment unlawful search claim, and his false imprisonment claim. (*See id.*
 11 at 4; 5/19/25 Order (Dkt. # 27) (authorizing Mr. Brin to proceed with those claims and
 12 dismissing his other claims).)

13 **III. ANALYSIS**

14 Below, the court first discusses the legal standards governing the parties’ summary
 15 judgment motions. Then, the court addresses a preliminary matter regarding Mr. Brin’s
 16 claims before finally turning to the merits of the parties’ motions.

17 **A. Legal Standards**

18 Summary judgment is appropriate if the evidence shows “that there is no genuine
 19 dispute as to any material fact and the movant is entitled to judgment as a matter of law.”
 20 Fed. R. Civ. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). A fact
 21 is “material” if it might affect the outcome of the case. *Anderson v. Liberty Lobby, Inc.*,
 22 477 U.S. 242, 248 (1986). A factual dispute is “genuine” only if there is sufficient

1 evidence for a reasonable fact finder to find for” the nonmoving party. *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 992 (9th Cir. 2001) (citing *Anderson*, 477 U.S. at 248-49).

2 The court must “view[] the evidence in the light most favorable to the nonmoving

3 party[.]” *Kaelin v. Globe Comm’ns Corp.*, 162 F.3d 1036, 1039 (9th Cir. 1998). When

4 the parties have filed cross-motions for summary judgment, the court “evaluate[s] each

5 motion separately, giving the nonmoving party in each instance the benefit of all

6 reasonable inferences.” *ACLU v. City of Las Vegas*, 333 F.3d 1092, 1097 (9th Cir. 2003).

7 The moving party bears the initial burden of showing there is no genuine dispute

8 of material fact and that it is entitled to prevail as a matter of law. *Celotex*, 477 U.S. at

9 323. The burden then shifts to the nonmoving party to identify specific facts from which

10 a factfinder could reasonably find in the nonmoving party’s favor. *Id.* at 324; *Anderson*,

11 477 U.S. at 250. To defeat a summary judgment motion, the nonmoving party “must

12 present significant probative evidence tending to support its claim or defense.” *Intel*

13 *Corp. v. Hartford Accident & Indem. Co.*, 952 F.2d 1551, 1558 (9th Cir. 1991). Thus, the

14 nonmovant must show that there are “genuine factual issues that properly can be resolved

15 only by a finder of fact because they may reasonably be resolved in favor of either party.”

16 *Anderson*, 477 U.S. at 250.

17 **B. Preliminary Matter**

18 Having considered the parties’ motions, it is necessary for the court to clarify

19 which of Mr. Brin’s claims are before the court. On May 19, 2025, the court held that

20 Mr. Brin’s amended complaint sufficiently stated, and Mr. Brin was therefore permitted

21 to proceed with, his claims for (1) Fourth Amendment unlawful detention; (2) Fourth

1 Amendment unlawful search; and (3) false imprisonment. (*See* 5/19/25 Order (Dkt. # 27)
 2 at 7; *see id.* at 1-2); Am. Compl. (Dkt. # 26).) The court dismissed Mr. Brin’s claims
 3 under § 1985(3) and § 1986 with prejudice for failure to state a claim, and dismissed his
 4 claims for “false reporting,” emotional distress, and Eighth Amendment violations as
 5 untimely because he failed to demonstrate good cause to add these claims during the late
 6 stages of litigation. (*Id.* at 6-8.)

7 In his instant motion, Mr. Brin seeks summary judgment not only with respect to
 8 his claims for Fourth Amendment unlawful detention, Fourth Amendment unlawful
 9 search, and false imprisonment, but also claims for “fabricated arrest” with respect to Mr.
 10 Kempton; “suppression of evidence [in] violat[ion of] due process;” “Washington Cities
 11 Insurance Authority [“WCIA”] claim denial” in connection with a WCIA claim he filed
 12 in July 2023; a municipal liability claim; a § 1985(3) claim alleging a “coordinated effort
 13 to suppress material evidence” and “falsify the investigative timeline;” claims for
 14 “post-clearance retaliation;” claims for “violations of sworn Oath of Office and the Police
 15 Officer’s Code of Ethics” and “official misconduct;” a claim against Sergeant Hartwick
 16 for “false [im]personation of a public officer;” and a “renewed” claim for emotional
 17 distress or post-traumatic stress. (*See* Brin MSJ at 8-12, 14-16 (cleaned up); Brin Reply
 18 at 3, 16.)

19 Each of these claims were either dismissed by previous orders of the court or were
 20 not alleged in Mr. Brin’s operative amended complaint. And Mr. Brin did not seek leave
 21 to amend his complaint to add these claims after the court’s May 19, 2025 order was
 22 entered. (*See* 5/19/25 Order; *see generally* Dkt.) It is settled law in the Ninth Circuit that

1 parties cannot assert claims for the first time at the summary judgment stage. *See Navajo*
 2 *Nation v. United States Forest Serv.*, 535 F.3d 1058, 1080 (9th Cir. 2008). Accordingly,
 3 the court will not consider these claims in this action.

4 **C. Mr. Brin's Summary Judgment Motion**

5 Mr. Brin argues that he is entitled to summary judgment with respect to his Fourth
 6 Amendment unlawful detention claim, his Fourth Amendment unlawful search claim, and
 7 his false imprisonment claim. (*See* Brin MSJ at 6-11.) To sustain a § 1983 action, a
 8 plaintiff must show that (1) the conduct complained of was committed by an individual
 9 acting under color of state law; and (2) the conduct deprived the plaintiff of a federal
 10 constitutional or statutory right. *Wood v. Ostrander*, 879 F.2d 583, 587 (9th Cir. 1989).
 11 Defendants do not dispute that they were acting under color of law at all times relevant to
 12 this action. (Defs. Resp. at 8.) Defendants also did not raise a qualified immunity
 13 defense in this action. (*See* Defs. Reply at 2.) Accordingly, the issue before the court is
 14 whether Defendants violated Mr. Brin's rights. The court addresses the parties'
 15 arguments with respect to each of Mr. Brin's claims in turn.

16 1. Fourth Amendment Unlawful Detention Claim

17 The Fourth Amendment applies to all seizures of the person, including arrests and
 18 seizures that involve only a brief detention, such as an investigatory or "Terry" stop.
 19 *United States v. Arvizu*, 534 U.S. 266, 273 (2002); *see Terry v. Ohio*, 392 U.S. 1 (1968).
 20 Mr. Brin argues that his detention was unlawful regardless of whether it constituted an
 21 investigatory stop or an arrest. (*See* Brin MSJ at 6; Brin Reply at 10.) Specifically, he
 22 argues that Defendants lacked reasonable suspicion or probable cause to detain him in the

1 first instance because (1) Mr. Dykstra's vehicle was not damaged in the alleged
 2 hit-and-run collision; (2) Defendants knew that the Nissan was recently sold to Mr.
 3 Kempton before detaining Mr. Brin; and (3) Defendants did not obtain Mr. Kempton's
 4 DOL picture before detaining Mr. Brin. (Brin MSJ at 2, 4-5.)¹⁰ Defendants argue that
 5 Mr. Brin's detention constituted a lawful investigatory stop. (*See* Defs. Resp. at 9.)

6 Mr. Brin also asserts that his detention exceeded the scope of an investigatory stop
 7 and became an unlawful arrest. (*See* Brin MSJ at 15; Brin Reply at 10.) He further
 8 challenges the duration of his detention, arguing that Defendants kept Mr. Brin detained
 9 even after Mr. Dykstra—in Mr. Brin's view—“exonerated” him. (*See* Brin MSJ at 4.)
 10 Defendants deny that Mr. Brin was arrested, but they assert that his detention was lawful
 11 even if it amounted to an arrest. (Defs. Resp. at 9.) The court examines the parties'
 12 arguments with respect to Mr. Brin's initial detention and the duration of his detention
 13 below.

14 *a. Defendants' Initial Decision to Stop Mr. Brin*

15 The court begins by examining Mr. Brin's argument regarding the lawfulness of
 16 Defendants' decision to stop him in the first instance.¹¹ The court understands Mr. Brin
 17 to argue that Defendants lacked reasonable suspicion to stop him. (*See* Brin MSJ at 6.)

18
 19 ¹⁰ Mr. Brin also argues his detention lacked probable cause because a judge in Mr.
 20 Kempton's criminal case entered an order finding “no probable cause” in Mr. Kempton's
 21 criminal case on March 8, 2023. (Brin MSJ at 8 (citing Ex. E (Dkt. # 35-5) at 12).) But Mr. Brin
 22 was not involved in Mr. Kempton's criminal case, and that order has no bearing on whether
 Defendants had the requisite legal justification to detain Mr. Brin on February 23, 2023.

11 For purposes of resolving whether Defendants had the requisite reasonable suspicion or
 probable cause to lawfully detain Mr. Brin, the court considers their knowledge collectively,

1 Law enforcement officers generally need probable cause to seize a person;
 2 however, “there exists a limited exception for brief investigatory stops[.]” *Sialoi v. City*
 3 *of San Diego*, 823 F.3d 1223, 1232, 1235 (9th Cir. 2016) (citing *Terry v. Ohio*, 392 U.S.
 4 1 (1986)). To justify an investigatory stop, an officer must have “reasonable suspicion”
 5 to believe that criminal activity is afoot. *Id.* The reasonable suspicion standard is “a less
 6 demanding standard than probable cause” and “merely requires a minimal level of
 7 objective justification.” *Gallegos v. City of Los Angeles*, 308 F.3d 987, 990 (9th Cir.
 8 2002) (cleaned up and citation omitted). Specifically, an officer must have, in light of the
 9 totality of the circumstances, “a particularized and objective basis for suspecting the
 10 particular person stopped of criminal activity[,]” *United States v. Basher*, 629 F.3d 1161,
 11 1165 (9th Cir. 2011), rather than just a “hunch of criminal activity[.]” *United States v.*
 12 *Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (cleaned up). In determining
 13 whether an officer had reasonable suspicion to conduct an investigatory stop, the court
 14 considers “the facts available to the officer at the moment of seizure.” *United States v.*
 15 *Smith*, 217 F.3d 746, 749 (9th Cir. 2000).

16 The court can readily determine that Defendants’ initial decision to stop Mr. Brin
 17 to conduct an investigatory detention was supported by reasonable suspicion. The
 18 undisputed evidence shows that the dispatcher informed Officer Espana—who then
 19 informed Officer Polzin—that Mr. Dykstra described the Nissan driver as a white male in
 20 his 40s, approximately 5’8” tall, wearing a beanie hat, and that the driver was walking

21 even if specific facts known to one Defendant were not known to the other Defendants. See
 22 *United States v. Ramirez*, 473 F.3d 1026, 1032-33 (9th Cir. 2007).

1 away from the Nissan. (Police Report at 4; *see also* Polzin Report at 1.) Within minutes
 2 after the alleged hit-and-run collision occurred, Sergeant Hartwick and Officer Polzin
 3 saw an individual (who was later identified as Mr. Brin) approximately 25 feet from the
 4 Nissan, while nobody else was around. (Polzin Report at 1.) Officer Polzin observed
 5 that the individual generally matched Mr. Dykstra's original description of the driver.
 6 (*See id.*) Mr. Brin does not dispute that he generally matched Mr. Dykstra's original
 7 description of the driver. (*See generally* Brin MSJ; Brin Reply.)¹² And although Mr.
 8 Brin appears to argue that he does not match the *modified* description of the driver that
 9 Mr. Dykstra provided (i.e., "slender" and wearing a "captain's hat") (*see* Brin MSJ at 3),
 10 Mr. Brin does not dispute that Mr. Dykstra provided this modified description to Officer
 11 Espana *after* Mr. Brin was detained. (*See* Police Records at 4; *see generally* Brin MSJ;
 12 Brin Reply.) There is thus no reasonable dispute that, "at the moment of" Mr. Brin's
 13 initial detention, Defendants had reasonable suspicion to detain him to conduct an
 14 investigatory stop. *See Smith*, 217 F.3d at 749.

15 The court can easily dispose of Mr. Brin's remaining arguments asserting that his
 16 initial detention was unlawful. First, Mr. Brin argues that Defendants lacked reasonable
 17 suspicion to detain him for committing the alleged hit-and-run collision because Mr.
 18 Dykstra's vehicle was not damaged. Therefore, in Mr. Brin's view, there was "no crime"
 19 to justify his detention. (*See* Brin MSJ at 2, 4; Brin Reply at 6 n.4, 10.) But Mr. Brin
 20

21 ¹² To the extent Mr. Brin argues that Defendants lacked reasonable suspicion because Mr.
 22 does not *exactly* match Mr. Dykstra's original description (*see* Brin MSJ at 2 (stating that he is
 6'1" tall)), a suspect need not be an exact match to support reasonable suspicion. *See Alexander*
v. Cnty. of Los Angeles, 64 F.3d 1315, 1319 (9th Cir. 1995).

1 does not dispute that the Nissan driver hit Mr. Dykstra's vehicle, that Mr. Dykstra
 2 reported that the driver was leaving the scene of the collision, and that Defendants
 3 observed damage to the Nissan after the alleged hit-and-run collision. (*See generally*
 4 Brin MSJ; Brin Reply.) Mr. Brin has not provided—and the court cannot locate—any
 5 legal authority showing he is entitled to judgment as a matter of law on this basis.

6 Second, Mr. Brin argues that his detention was unlawful because Defendants "had
 7 prior knowledge" that the Nissan was "recently sold" to Mr. Kempton before they
 8 detained Mr. Brin, but they "failed to verify [Mr. Brin's] identify against DOL records."
 9 (Brin MSJ at 13; *see* Audio File at 6:10-6:15 (noting that the vehicle was sold to Mr.
 10 Kempton).) The court understands Mr. Brin to argue that, had Defendants verified Mr.
 11 Brin's identity, they would have known he was not the driver because Mr. Brin "b[ears]
 12 no resemblance to" Mr. Kempton. (*Id.*) Mr. Brin, however, does not dispute that he
 13 refused to identify himself at the time he was initially stopped and before he was
 14 handcuffed. (7/7/25 Brin Decl. ¶ 5 (stating that he "initially declined to provide ID" but
 15 then offered to do so after he was handcuffed).) Therefore, Defendants could not verify
 16 Mr. Brin's identity prior to detaining him. Setting that aside, the fact that the Nissan was
 17 recently *sold* to Mr. Kempton has no bearing on whether Defendants had reasonable
 18 suspicion to believe Mr. Brin was *driving* the Nissan at the time of the collision.
 19 Accordingly, Mr. Brin is not entitled to judgment as a matter of law on this basis.

20 Third, Mr. Brin appears to argue that Defendants could have identified the Nissan
 21 driver sooner had they obtained Mr. Kempton's DOL picture before detaining Mr. Brin.
 22 (Brin MSJ at 2, 5.) The court understands Mr. Brin to argue that, if Defendants obtained

1 Mr. Kempton's DOL picture earlier, Mr. Dykstra could have identified the Nissan driver
2 before Mr. Brin was detained. But “[t]he argument that there were other ways that
3 [Defendants] could have proceeded” to identify a suspect “misses the point.” *See*
4 *Gallegos*, 308 F.3d at 992. Indeed, the Fourth Amendment “does not mandate one and
5 only one way for police to confirm the identity of a suspect.” *Id.* (emphasis in original).
6 Therefore, Defendants’ failure to obtain Mr. Kempton’s DOL picture prior to detaining
7 Mr. Brin did not violate his Fourth Amendment rights.

8 In light of the foregoing, the court concludes as a matter of law that Defendants’
9 initial decision to detain Mr. Brin to conduct an investigatory stop was supported by
10 reasonable suspicion. The court therefore denies Mr. Brin’s motion for summary
11 judgment with respect to his Fourth Amendment unlawful detention claim to the extent
12 that it is based on Defendants’ initial decision to stop him.

13 b. *Whether the Investigatory Stop Became a De Facto Arrest*

14 Whether an encounter between law enforcement officers and a detained individual
15 remains an investigatory stop or amounts to an arrest is a mixed question of law and fact.
16 *United States v. Cormier*, 220 F.3d 1103, 1110 (9th Cir. 2000). An arrest requires
17 probable cause, which “exists when officers have knowledge or reasonably trustworthy
18 information sufficient to lead a person of reasonable caution to believe that an offense has
19 been committed” by the suspected person. *United States v. Lopez*, 482 F.3d 1067, 1072
20 (9th Cir. 2007). Probable cause exists when, under the “totality of facts” available to
21 officers at the time of arrest “there is a fair probability or substantial chance of criminal

1 activity.” *United States v. Patayan Soriano*, 361 F.3d 494, 505 (9th Cir. 2004) (citation
 2 omitted).

3 The Ninth Circuit has not provided a bright line rule to determine when an
 4 investigatory stop becomes a *de facto* arrest requiring probable cause. *Gallegos*, 308
 5 F.3d at 991. Rather, courts evaluate whether “a reasonable person would believe that he
 6 [or she] is being subjected to more than a temporary detention,” *United States v. Brown*,
 7 996 F.3d 998, 1006 (9th Cir. 2021) (alteration in original), as well as the “intrusiveness of
 8 the stop and whether the methods used [by the officers] were reasonable *given the*
 9 *specific circumstances[.]*” *Washington v. Lambert*, 98 F.3d 1181, 1186 (9th Cir. 1996)
 10 (emphasis in original)).

11 Notably, handcuffing an individual “substantially aggravates the intrusiveness” of,
 12 and is not a typically part of, an investigatory stop. *Reynaga Hernandez v. Skinner*, 969
 13 F.3d 930, 941 (9th Cir. 2020) (citation omitted); *see also United States v. Bravo*, 295
 14 F.3d 1002, 1010 (9th Cir. 2002) (noting that “handcuffing is a substantial factor in
 15 determining whether an individual has been arrested”). However, “[t]he whole point of
 16 an investigatory stop, as the name suggests, is to allow [law enforcement officers] to
 17 *investigate*, . . . [and] to make sure that they have the right person.” *Gallegos*, 308 F.3d
 18 at 991 (emphasis in original). Accordingly, Ninth Circuit law permits officers to use
 19 intrusive means such as handcuffing to effect an investigatory stop—without escalating
 20 the stop into an arrest—in special circumstances, including:

21 1) where the suspect is uncooperative or takes action at the scene that raises
 22 a reasonable possibility of danger or flight; 2) where the police have
 information that the suspect is currently armed; 3) where the stop closely

1 follows a violent crime; and 4) where the police have information that a
2 crime that may involve violence is about to occur.

3 *Johnson v. Bay Area Rapid Transit Dist.*, 724 F.3d 1159, 1176 (9th Cir. 2013) (cleaned
4 up and quoting *Lambert*, 98 F.3d at 1189). In addition to those four circumstances, as
5 relevant here, the court may also consider, 5) the specificity of the information leading
6 the officers to suspect that the individual is the actual suspect, and 6) the presence of
7 other officers on the scene at the time of the detention. *Lambert*, 98 F.3d at 1189-90.

8 Here, there is no evidence to support the second, third, or fourth circumstances.
9 Indeed, there is no evidence that Defendants had information that Mr. Brin was armed, or
10 believed they were responding to reports of a violent crime or that a crime of violence
11 was about to occur. (*See generally* Brin MSJ; Defs. Resp.); *see Johnson*, 724 F.3d at
12 1177 (“not knowing whether a suspect is armed is not the same as having reason to
13 believe the suspect is actually armed”). As to the sixth circumstance, it is undisputed that
14 Officer Polzin arrested Mr. Brin, and the court understands that Sergeant Hartwick was
15 present at that time, although it is unclear how many other officers were present at that
16 time. (*See* Polzin Report at 1.) As to the fifth circumstance, Defendants had specific
17 information—namely, Mr. Dykstra’s original description of the driver—leading them to
18 believe that Mr. Brin was the suspect. (*See generally* Brin MSJ; Brin Reply; *see* Defs.
19 Resp. at 10, 11 (arguing that Defendants had specific information leading them to believe
20 that Mr. Brin was the suspect).) Rather, the parties’ dispute centers on whether and to
21 what extent the first circumstance is present here. (*See generally* Brin MSJ; Defs. Resp.)

1 By Mr. Brin's account, he "complied with all instructions" and did not "resist"
 2 Defendants' orders, including Defendants' initial order to stop. (Brin MSJ at 2.) He
 3 asserts that he answered all questions, including explaining why he was outside and
 4 where he lived. (See Brin MSJ at 6; Brin Reply at 9; 7/7/25 Brin Decl. ¶ 10 (stating that
 5 the facts alleged in his reply brief are accurate); 6/10/25 Brin Decl., Ex. E (Dkt. # 35) at
 6 5, 12.) Mr. Brin does not dispute he was "argumentative" during the encounter (6/10/25
 7 Brin Decl., Ex. E (Dkt. # 35)), but contends that he spoke "calmly" to Defendants (Brin
 8 MSJ at 6). Mr. Brin also does not dispute that he refused to identify himself initially, but
 9 states that he offered to get his ID *after* he was detained. (7/7/25 Brin Decl. ¶ 5.)

10 Although Defendants do not dispute that Mr. Brin complied with their initial order
 11 to stop (see Defs. RFA Resp. (admitting that Mr. Brin "complied with an order to stop")),
 12 they contend that Mr. Brin not only refused to identify himself, but also refused to answer
 13 their questions regarding where he lived or why he was outside. (Polzin Report at 1.)
 14 They also assert Mr. Brin was "argumentative," "yelling" about his rights, and continued
 15 arguing and yelling throughout the encounter despite Officer Polzin's attempts to explain
 16 what was happening. (See *id.*; Polzin Decl. ¶ 9.) Mr. Polzin states that he handcuffed
 17 Mr. Brin for "cautionary purposes" and for "safety[,]" although the record does not show
 18 the extent to which Mr. Brin was argumentative or what he said during that period.
 19 (Polzin Decl. ¶ 9.)

20 Mr. Brin argues that his detention was unlawful because his "verbal protests" of
 21 alleged police misconduct "cannot justify [the use of] force or seizure." (Brin MSJ at 6;
 22 Brin Reply at 9 (citing *Duran v. City of Douglas*, 904 F.2d 1372 (9th Cir. 1990));

1 | *Mackinney v. Nielsen*, 69 F.3d 1002 (9th Cir. 1995)).)¹³ Mr. Brin is correct that an
 2 individual's verbal protests of police conduct cannot *alone* justify an officer's decision to
 3 stop or arrest an individual. *See Duran*, 904 F.2d at 1378 (holding that police did not
 4 have reasonable suspicion to stop an individual for suspected criminal activity based on
 5 obscene gestures he directed at police); *Mackinney*, 69 F.3d at 1006-07 (holding that
 6 police did not have probable cause to arrest plaintiff for verbal protest to police conduct).
 7 However, these cases do not bear on whether an officer's use of handcuffs transforms an
 8 investigatory stop into an arrest if the officer has reasonable suspicion to suspect an
 9 individual committed a crime independent of his verbal protests, and if the suspect is
 10 uncooperative.

11 Given the parties' varied accounts of Mr. Brin's alleged conduct during his
 12 detention, the questions of whether and to what extent Mr. Brin was uncooperative is
 13 based in part on the credibility of the parties' testimony. The court cannot resolve such
 14 questions at the summary judgment stage. *See Earp v. Ornoski*, 431 F.3d 1158, 1170 (9th
 15 Cir. 2005) ("Summary judgment is an inappropriate vehicle for resolving claims that
 16 depend on credibility determinations."); *see also Loharsingh v. City & Cnty. of San
 17 Francisco*, 696 F. Supp. 2d 1080, 1098 (N.D. Cal. 2010) ("While certain police actions
 18 will constitute an arrest in some circumstances, such as where the suspects are

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¹³ Mr. Brin also cited *Ford v. City of Yakima*, 706 F.3d 1188 (9th Cir. 2013) for this proposition. (Brin MSJ at 6.) *Ford* involved a First Amendment retaliatory arrest claim, and was abrogated by *Nieves v. Bartlett*, 587 U.S. 391, 403-04 (2019), on the basis that a plaintiff must prove the absence of probable cause for an arrest to establish a retaliatory arrest claim. Because Mr. Brin did not plead a retaliatory arrest claim, *Ford* does not apply here.

1 cooperative, those same actions may not constitute an arrest where the suspect is
 2 uncooperative[.]”).

3 In reviewing the evidence in the light most favorable to Defendants, a reasonable
 4 jury could conclude that Mr. Brin was sufficiently uncooperative, and that Defendants’
 5 use of handcuffs therefore did not transform his investigatory stop into an arrest. *See*
 6 *Johnson*, 724 F.3d at 1177-78 (holding that whether officer’s use of force was reasonable
 7 and whether stop became a *de facto* arrest “must be resolved by a jury”); *Garza v. City of*
 8 *Salem*, 690 F. Supp. 3d 1188, 1201 (D. Or. 2023) (holding that plaintiff’s detention did
 9 not amount to arrest when the plaintiff was “uncooperative and yelling” at the officer).
 10 Accordingly, there are triable questions of fact bearing on the question of whether
 11 Defendants’ use of handcuffs transformed Mr. Brin’s investigatory stop into an arrest that
 12 was supported by probable cause.

13 c. *Whether Mr. Brin’s Detention Was Unlawfully Prolonged*

14 Mr. Brin asserts that Defendants unlawfully prolonged his detention at least ten
 15 minutes beyond the time they learned that he was not the Nissan driver. (*See* Brin Reply
 16 at 6, 8; *see* Brin MSJ at 2, 13.) In his view, Mr. Dykstra “exonerated” Mr. Brin after
 17 seeing Mr. Brin’s picture—before the in-person field show up. (Brin MSJ at 2, 4, 9; Brin
 18 Reply at 7 (alleging there was a “10-minute delay[] between the remote photo rejection
 19 and the in-person show up” (emphases omitted))). Defendants contend their investigation
 20 did not exceed the scope of a valid investigatory stop. (*See* Defs. Resp. at 2; *see id.* at 5.)

21 Detentions that are initially lawful may become unlawful if prolonged past the
 22 point that law enforcement officers have legally sufficient justification for detaining the

1 individual. *See Davis v. United States*, 854 F.3d 594, 600 (9th Cir. 2017); *Brewster v.*
 2 *Beck*, 859 F.3d 1194, 1197 (9th Cir. 2017). The standard applicable to the question of
 3 whether Defendants unlawfully prolonged Mr. Brin's detention depends on whether Mr.
 4 Brin's detention escalated from an investigatory stop to an arrest.

5 There is "no rigid time limitation" on investigatory stops. *Gallegos*, 308 F.3d at
 6 992 (quoting *Sharpe*, 470 U.S. at 685). Rather, in determining whether an investigatory
 7 stop was unlawfully prolonged, courts consider whether law enforcement officers'
 8 actions "involve[d] any delay unnecessary to the[ir] legitimate investigation." *Gallegos*,
 9 308 F.3d at 992 (citation omitted). The "critical inquiry is whether the officers diligently
 10 pursued a means or investigation that was likely to confirm or dispel their suspicions
 11 quickly, during which time it was necessary to detain" the individual. *United States v.*
 12 *Torres-Sanchez*, 83 F.3d 1123, 1129 (9th Cir. 1996) (quoting *Sharpe*, 470 U.S. at 686).
 13 Put another way, courts evaluate whether there was an "investigative purpose" for
 14 continuing to detain the individual. *See Rayzberg v. Cty. of Los Angeles*, No. CV 23-
 15 2585-DMG (JCx), 2024 WL 3055474 (C.D. Cal. May 8, 2024).

16 Different legal standards apply in determining whether the duration of an arrest is
 17 unlawful. Even if an arrest was initially supported by probable cause in the initial stages
 18 of the investigation, such probable cause "may be dissipated if the investigating officer
 19 later learns additional information that decreases the likelihood" that the arrested
 20 individual engaged in criminal activity. *United States v. Ortiz-Hernandez*, 427 F.3d 567,
 21 574 (9th Cir. 2005); *see also Sialoi*, 823 F.3d at 1232 (stating that information learned
 22 post-arrest "may indicate there is less than a fair probability" the individual committed a

1 crime). Once “previously established probable cause has dissipated[,]” the arrested
 2 person “must be released from arrest[.]” *Nicholson v. City of Los Angeles*, 935 F.3d 685,
 3 691 (9th Cir. 2019) (quoting *Ortiz-Hernandez*, 427 F.3d at 574).

4 Here, the audio recording of Defendants’ communications shows that Officer
 5 Espana requested a picture of Mr. Brin after he was detained. (Audio File at 7:00-7:06.)
 6 Shortly after receiving Mr. Brin’s picture, Officer Espana communicated over the radio,
 7 “RP [i.e., reporting party, Mr. Dykstra] says that’s not going to be the guy, but I’m going
 8 to actually drive [Mr. Dykstra] there to do a field show up[.]” (*Id.* at 7:20.) Shortly
 9 thereafter, Officer Espana said that she was “on [her] way out[.]” (*Id.* at 8:05.) After
 10 observing Mr. Brin at the in-person field show up,¹⁴ Mr. Dykstra said that Mr. Brin was
 11 not the Nissan driver. (Police Records at 4; Polzin Report at 1.) At that time, Officer
 12 Polzin released Mr. Brin and told him that he was free to go. (Polzin Report at 1.)
 13 According to the audio recording, Mr. Brin was released from detention within minutes
 14 after Officer Espana requested a picture of Mr. Brin. (See Audio File at 7:00-9:19.)¹⁵

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 16 _____
 17 ¹⁴ Mr. Brin disputes how long it took Officer Espana to drive Mr. Dykstra to the field
 18 show up (see Brin MSJ at 3; Brin Reply at 7-8), but this dispute is not material to Mr. Brin’s
 19 Fourth Amendment claim. The issue is whether Defendants’ decision to continue to detain Mr.
 20 Brin to conduct the in-person field show had an investigatory purpose (or—if Mr. Brin was
 21 arrested—whether Defendants had probable cause to continue to detain him at that time).

22 ¹⁵ Mr. Brin appears to argue that his detention continued after the in-person field show
 23 up. (See Brin MSJ at 2.) The court understands Mr. Brin to argue that his detention was
 24 unlawfully continued because officers knocked on his door in search of Mr. Kempton or Ms.
 25 Ogier and ran “database searches” on Mr. Brin, Mr. Kempton, and Ms. Ogier, following Mr.
 26 Brin’s release. (See Brin MSJ at 2-3; Brin Reply at 13; 7/7/25 Brin Decl. ¶¶ 6-7, 9.) Mr. Brin
 27 has not provided any legal authority to support this theory. Indeed, a detention falls within the
 28 ambit of the Fourth Amendment “[o]nly when the officer, by means of physical force or show of
 29 authority, has in some way restrained the liberty of a citizen[.]” *United States v. Faulkner*, 450

Given the various factual disputes in this matter—including when Defendants learned that Mr. Dykstra had modified his description of the driver, and the factual disputes bearing on the question of whether Mr. Brin’s detention amounted to an arrest—the court cannot conclude as a matter of law whether or not Mr. Brin’s detention amounted to an arrest and whether Defendants unlawfully prolonged Mr. Brin’s detention. Accordingly, the court denies Mr. Brin’s motion for summary judgment with respect to his Fourth Amendment claim to the extent it is based on the duration of his detention.

2. Fourth Amendment Unlawful Search Claim

Mr. Brin’s briefing contains little argument regarding his Fourth Amendment unlawful search claim. (*See* Brin MSJ (arguing he was “searched without consent”); *see generally* Brin Reply.) He contends, however, that he was unlawfully “searched” and that Defendants “found [his] cell phone[,]” “which they took and placed on the landscaping rockery[.]” (Brin Reply at 9.) Defendants do not dispute these assertions and, instead, contend that their search was lawful and within the scope of an investigatory stop. (Defs. Resp. at 2, 7.)

Like his Fourth Amendment unlawful detention claim, the standards applicable to Mr. Brin’s Fourth Amendment unlawful search claim differ depending on whether Mr. Brin was detained in an investigatory stop or an arrest at the time he was searched.

F.3d 466; *see id.* (stating that a “seizure” occurs within the meaning of the Fourth Amendment only if a “reasonable person would have believed that he was not free to leave”). Accordingly, the court does not consider these allegations in assessing Mr. Brin’s claims.

1 In connection with an investigatory stop, an officer “may conduct a brief pat-down
 2 (or frisk)” of an individual if that officer, based on the totality of the circumstances,
 3 reasonably suspects the individual is armed and dangerous. *United Brown*, 996 F.3d at
 4 1007-08 (9th Cir. 2021) (citing *Terry*, 392 U.S. at 24); *see id.* at 1010 (noting that the
 5 officer must have “adequate cause” to conduct an investigatory search) (citation omitted).
 6 Such a search must be “confined in scope to an intrusion reasonably designed” to
 7 discover weapons. *Id.* at 1008. A search following an investigatory stop is typically
 8 limited to a pat-down of an individual’s outer clothing and does not extend to an
 9 individual’s pockets unless the officer discovers an object during the pat-down that might
 10 be a weapon. *Id.* at 1008-09 (citing *Terry*, 392 U.S. at 29-30). However, *removing* items
 11 from a suspect’s pockets exceeds the scope of a permissible search following an
 12 investigatory stop if the officer can readily determine the object is not a weapon. *See*
 13 *United States v. Shepherd*, No. 2:24-cr-00083-DJC-1, 2024 WL 4931677, at *4 (E.D.
 14 Cal. Dec. 2, 2024) (citing *Brown*, 996 F.3d at 1010); *United States v. Hoffman*, 762 F.
 15 App’x 397, 400 (9th Cir. 2019) (holding that officer was justified in removing an object
 16 from the plaintiff’s pocket because, based on his initial pat-down, the officer “had not
 17 yet ruled out [that object] as a weapon” (emphasis omitted)).

18 In contrast, a search incident to an arrest is not limited to a simple pat-down;
 19 rather, the search may “involve a relatively extensive exploration” of the individual’s
 20 person, including the pockets of his or her clothing, so long as the officers had probable
 21 cause to arrest the individual. *United States v. Williams*, 846 F.3d 303, 312 (9th Cir.
 22 2016) (citations omitted).

1 Because there are genuine disputes of material fact that preclude the court from
 2 determining whether Mr. Brin's detention was an investigatory stop or an arrest at the
 3 time he was searched, as well as the extent of the search, the court cannot determine on
 4 this record whether Defendants' search of Mr. Brin was lawful. Accordingly, the court
 5 denies Mr. Brin's motion for summary judgment with respect to his Fourth Amendment
 6 unlawful search claim.

7 3. False Imprisonment

8 Mr. Brin also asserts he is entitled to judgment as a matter of law with respect to
 9 his false imprisonment claim because he was "detained without lawful justification[.]"
 10 (Brin MSJ at 7.) Defendants disagree. (Defs. Resp. at 12-13.)

11 A claim for false imprisonment "is cognizable under § 1983 as a violation of the
 12 Fourth Amendment provided that the arrest was made without probable cause or other
 13 justification." *See Carter v. Durkan*, No. C21-1046JLR, 2021 WL 6062628, at *4 (W.D.
 14 Wash. Dec. 22, 2021) (citing cases).¹⁶ Therefore, to establish a § 1983 false
 15 imprisonment claim, a plaintiff "must demonstrate that there was no probable cause to
 16 arrest him." *Cabrera v. City of Huntington Park*, 159 F.3d 374, 380 (9th Cir. 1998); *see*
 17 *Youker v. Douglas Cnty.*, 258 P.3d 60, 68 (Wash. Ct. App. 2011).

20 ¹⁶ Mr. Brin pleaded a false imprisonment claim under § 1983 and state law. (*See Am.*
 21 *Compl.* at 4.) The elements of a § 1983 and state law false imprisonment claims do not
 22 substantively differ. *See, e.g., Youker v. Douglas Cnty.*, 258 P.3d 60, 68 (Wash. Ct. App. 2011)
 (stating that false imprisonment occurs when a person "unlawfully restrains or imprisons another
 person"); *id.* at 69 (noting that probable cause is a defense to a false imprisonment claim).)

Because material factual disputes exist regarding whether Mr. Brin's detention remained an investigatory stop or amounted to an arrest, and in turn, whether Defendants had the requisite reasonable suspicion or probable cause for the duration of Mr. Brin's detention, the court declines to grant summary judgment with respect to Mr. Brin's false imprisonment claim. *See Loharsingh*, 696 F. Supp. 2d at 1096 (reaching the same conclusion); *cf. Oviatt By & Through Waugh v. Pearce*, 954 F.2d 1470, 1479 (9th Cir. 1992) (discussing an Oregon case holding that summary judgment on plaintiff's false imprisonment claim was inappropriate because a reasonable jury could conclude that plaintiff's detainment became unlawful once suspicion dissipated).¹⁷

In light of the foregoing, Mr. Brin's summary judgment motion is denied with respect to all remaining claims: (1) Fourth Amendment unlawful detention, (2) Fourth Amendment unlawful search, and (3) false imprisonment.

D. Defendants' Summary Judgment Motion

The court independently considers the merits of Defendants' summary judgment motion. *ACLU*, 333 F.3d 1092 at 1097. Defendants' motion is nearly identical to their response to Mr. Brin's motion for summary judgment (*see* Defs. Resp. at 3-14; Defs. MSJ at 2-12), and Mr. Brin's response to Defendants' motion does not substantively differ from his own motion for summary judgment (*see* Brin Resp.; Brin MSJ.) The

¹⁷ In both their response to Mr. Brin's summary judgment motion and in their own summary judgment motion, Defendants argue that Mr. Brin's claims against Officer Jordal should be dismissed. The court addresses these arguments in its analysis of Defendants' motion for summary judgment.

1 court therefore incorporates its discussion of the above legal principles and the parties'
2 factual disputes into its assessment of Defendants' summary judgment motion.

3 1. Fourth Amendment Unlawful Detention

4 Defendants argue, and Mr. Brin disputes, that they are entitled to judgment as a
5 matter of law on Mr. Brin's Fourth Amendment unlawful detention claim because his
6 detention was supported by the requisite reasonable suspicion or probable cause. (Defs.
7 MSJ at 5-6, 8-9; Brin Resp. at 5-8, 10.) As explained above, no reasonable jury could
8 find that Defendants lacked reasonable suspicion to initially detain Mr. Brin to conduct
9 an investigatory stop. Consequently, Defendants are entitled to summary judgment with
10 respect to Mr. Brin's Fourth Amendment unlawful detention claim to the extent it is
11 based on Defendants' initial decision to detain Mr. Brin to conduct an investigatory stop.

12 As stated, however, there are disputes of material fact bearing on whether Mr.
13 Brin's detention remained an investigatory stop or amounted to an arrest. (See Defs. MSJ
14 at 5-9; Brin Resp. at 5-10.) In viewing the evidence in the light most favorable to Mr.
15 Brin, a reasonable jury could find that he was not sufficiently uncooperative and that
16 placing him in handcuffs transformed the investigatory stop into a *de facto* arrest
17 requiring probable cause. *See Sialoi*, 823 F.3d at 1233-34 (concluding that the plaintiff's
18 detention amounted to an arrest when he "raise[d] his voice" and "initially refused to
19 raise his hands" but "calmed down in a matter of minutes and complied with the officer's
20 requests"). Furthermore, there are disputes of fact regarding when Defendants learned
21 that Mr. Dykstra modified his description of the Nissan driver.

1 In light of these disputes of fact, the court also cannot determine as a matter of law
2 whether Mr. Brin's detention was unlawfully prolonged. *Cf. Rayzberg*, 2024 WL
3 3055474, at *5 (finding that a reasonable jury could conclude that the defendants
4 unlawfully continued the plaintiff's detention without reasonable suspicion); *Sialoi*, 823
5 F.3d at 1232 ("continuation of [an] arrest [without probable cause] is illegal").

6 Accordingly, the court denies Defendants' motion with respect to Mr. Brin's
7 Fourth Amendment unlawful detention claim to the extent it is based on the duration of
8 his detention.

9 2. Fourth Amendment Unlawful Search

10 Defendants' summary judgment motion, like Mr. Brin's motion, contains little
11 description or argument regarding their search of Mr. Brin. (*See* Defs. MSJ at 5-9.) In
12 light of the factual disputes explained above, and given the limited evidence regarding
13 Defendants' search of Mr. Brin, the court denies Defendants' summary judgment motion
14 with respect to Mr. Brin's Fourth Amendment unlawful search claim.

15 3. False Imprisonment

16 Defendants also assert that they are entitled to summary judgment with respect to
17 Mr. Brin's false imprisonment claim because they had reasonable suspicion and probable
18 cause to detain him. (Defs. MSJ at 10-11.) Given the identified disputes of fact
19 regarding whether Mr. Brin's detention amounted to an arrest and whether the duration of
20 his detention was unlawfully prolonged, the court denies Defendants' summary judgment
21 motion with respect to this claim.

1 4. Mr. Brin's Claims Against Officer Jordal

2 Defendants assert that Mr. Brin failed to produce admissible evidence supporting
3 his claims against Officer Jordal. (*See* Defs. MSJ at 2.) It is undisputed that Officer
4 Jordal was dispatched to and present at the scene of Mr. Brin's detention. (*See* 6/10/25
5 Brin Decl., Ex. E (Dkt. 35-3) at 8 (Officer Jordal identified as radio number K915); *id.* at
6 1-8 (showing Officer Jordal was dispatched to the scene of the hit-and-run collision).)
7 Mr. Brin, however, cites no evidence supporting his assertion that Officer Jordal was a
8 participant in, much less a "central figure" to, Mr. Brin's detention. (*See generally* Brin
9 Resp.; *see also* Brin MSJ at 6.). Because Mr. Brin has not met his burden at summary
10 judgment to identify specific facts from which a factfinder could reasonably find in his
11 favor, *Celotex*, 477 U.S. at 324, the court grants Defendants' motion with respect to Mr.
12 Brin's claims against Officer Jordal.

13 **IV. CONCLUSION**

14 For the foregoing reasons, Mr. Brin's motion for summary judgment is DENIED
15 (Dkt. # 29), and Defendants' motion for summary judgment is GRANTED in part and
16 DENIED in part (Dkt. # 48). Specifically, Defendants' motion is GRANTED with
17 respect to (1) Mr. Brin's Fourth Amendment unlawful detention claim to the extent it is
18 based on Defendants' initial decision to detain Mr. Brin to conduct an investigatory stop
19 and (2) all of Mr. Brin's claims against Officer Jordal. Defendants' motion is DENIED
20 with respect to Mr. Brin's Fourth Amendment unlawful search and false imprisonment
21 claims. Accordingly, this matter will proceed to trial on Mr. Brin's claims for Fourth

1 Amendment unlawful detention; Fourth Amendment unlawful search, and false
2 imprisonment against Defendants Joshua Hartwick, Felicia Espana, and Keith Polzin.

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4 Dated this 16th day of September, 2025.

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7 JAMES L. ROBART
United States District Judge

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